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5 **City of Sparks, Andy Flock**

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF NEVADA**

8 STEPHAN HAASE,

Case No. 3:09-cv-00636-RCJ-RAM

9 Plaintiff,

10 vs.

ORDER GRANTING

11 CITY OF SPARKS, a municipal corporation,
12 ANDY FLOCK, an individual,

MOTION TO DISMISS

13 Defendants.
14 _____ /

15 THIS MATTER having come on regularly before the Court on April 16, 2010 for hearing of
16 Defendants' Motion to Dismiss Amended Complaint (#9), and the Court having reviewed the pertinent
17 documents and having heard the arguments of counsel,

18 **IT IS HEREBY ORDERED** that the Defendants' Motion to Dismiss Amended Complaint
19 (#9) is hereby granted, and that the Fifth Claim for Relief of the Amended Complaint is hereby
20 dismissed for failure to state a claim.

21 **IT IS FURTHER ORDERED** that Plaintiff is hereby granted a period of 14 days from the
22 date of this Order in which to amend his Amended Complaint to assert factual allegations necessary
23 to support his Fifth Claim for Relief under the standards of *Bell Atlantic Corp., v. Twombly*, 550 U.S.
24 544, 127 S.Ct.1955 (2007) and *Ashcroft v. Iqbal*, ____ U.S. ____, 129 S.Ct.1937 (2009).

25 DATED this 21st day of April, 2010.

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28 **UNITED STATES DISTRICT JUDGE**